



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA	:	
- v. -	:	[Proposed] <u>ORDER</u>
LAWRENCE MCAFEE,	:	18 Cr. 425 (JFK)
Defendant.	:	
----- X	:	

APPEARANCES

FOR DEFENDANT LAWRENCE MCAFEE:

Scott B. Tulman
LAW OFFICES OF SCOTT B. TULMAN & ASSOCIATES, PLLC

FOR THE UNITED STATES OF AMERICA:

Ryan B. Finkel
U.S. ATTORNEY'S OFFICE FOR THE SOUTHERN DISTRICT OF NEW YORK

JOHN F. KEENAN, United States District Judge:

WHEREAS the defendant Lawrence McAfee (the "defendant") has been found by this Court to be not competent to stand trial and the likelihood of the defendant regaining competency is minimal;

IT IS HEREBY ORDERED that the Bureau of Prisons and the United States Marshal Service, is to permit Dr. Eric Goldsmith, a licensed psychiatrist, conduct an examination of defendant Lawrence McAfee (the "defendant") pursuant to Title 18, United States Code, Section 4246, in order to determine whether, as a result of the defendant's mental disease or defect:

- (1) The defendant's release from custody would create a substantial risk of bodily injury to another person;
- (2) The defendant's release from custody would create a substantial risk of serious damage to property of another; and
- (3) The defendant's release from custody would create a substantial risk of danger to himself.

Dr. Goldsmith is to choose another psychiatrist to also examine the Defendant and is to notify the Court and the Government of the identity of the other mental health expert. The Court and the Government will notify defense counsel of the doctor's identity;

IT IS FURTHER ORDERED that the examinations be completed within 60 days of this Order. This is with the consent of defense counsel;

IT IS FURTHER ORDERED that at the conclusion of the examination, the doctors will prepare a report of Lawrence McAfee's mental condition and specifically report whether the defendant's release from custody would create a substantial risk of (1) bodily injury to another person; (2) serious damage to property of another; and/or (3) danger to himself, in order to assist the Court and counsel in the determination of whether the defendant meets the criteria of 18 U.S.C. § 4246.

IT IS FURTHER ORDERED that Dr. Goldsmith and the additional doctor report the results of the evaluations to the Court and the parties by February 18, 2022; and

IT IS FURTHER ORDERED that time be excluded pursuant to the provisions of the Speedy Trial Act until February 18, 2022, because the interests of justice are best served by permitting both sides to learn the psychiatric condition of the defendant.

SO ORDERED:



THE HONORABLE JOHN F. KEENAN

Dated: January 3, 2022